

ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE

UPDATE REVISION

11-TA-2000#3

**PROPOSED CHANGES ARE IN UPPER CASE, BOLD RED LETTERS,
CHANGES MADE BY PLANNING COMMISSION ARE ITALICIZED,
DELETIONS ARE STRUCK THROUGH**

ARTICLE VI.

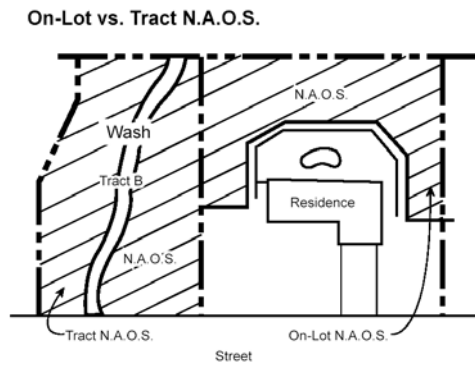
SUPPLEMENTARY DISTRICTS

Sec. 6.1010. ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE.

Sec. 6.1011. Purpose.

The purpose of the environmentally sensitive lands regulations is to identify and protect environmentally sensitive lands in the city and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically, the environmentally sensitive lands regulations are intended to:

- A. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development. Such hazards include rockfalls, rolling boulders, other unstable slopes, flooding, flood-related mud slides, subsidence, erosion, and sedimentation.
- B. Protect and preserve significant natural and visual resources. Such resources include, but are not limited to, major boulder outcrops **AND LARGE BOULDERS**, major ridges and peaks, prime wildlife habitat and corridors, unique vegetation specimens, significant washes, and significant riparian habitats.
- C. Protect renewable and nonrenewable resources such as water quality, air quality, soils, and natural vegetation from incompatible land uses.
- D. Minimize the public costs of providing public services and facilities in ESL areas such as streets, water, sewer, emergency services, sanitation services, parks, and recreation. Costs associated with the design and development of infrastructure in environmentally sensitive areas can be higher than costs in other areas of the city due to the unique and fragile nature of such lands.
- E. Conserve the character of the natural desert landscape. Guide the location and distribution of meaningful on-lot and common tract open space and protect sensitive environmental features to sustain the unique desert character found in ESL areas.



- F. Recognize and conserve the economic, educational, recreational, historic, archaeological, and other cultural assets of the environment that provide amenities and services for residents and visitors.
 - G. Assure that decisions regarding development in environmentally sensitive areas are based on complete and accurate information about the environmental conditions including drainage features and probable development impacts.
 - H. Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction.
 - I. Retain the visual character of the natural landscape to the greatest extent feasible by regulating building mass, location, colors, and materials; grading location, design and treatment; and landscaping design and materials.
 - J. Maintain significant open spaces which provide view corridors and land use buffers, protect landmarks **AND LARGE BOULDERS**, and prime wash habitats, by preserving these features in their natural state to maintain the city's unique desert setting.
 - K. Protect environmentally sensitive lands, while also recognizing the legitimate expectations of property owners and the city's overall economic goals.
 - L. Encourage innovative planning, design, and construction techniques for development in environmentally sensitive areas.
- (Ord. No. 2305, 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1020. APPLICABILITY OF REGULATIONS.

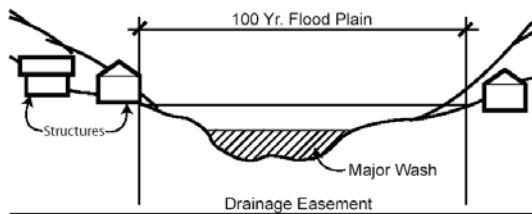
Sec. 6.1021. Applicable districts and conditions.

All underlying zoning districts, to which the ESL overlay zoning district applies, shall be identified with the suffix "ESL". To accomplish the purposes in section 6.1010, the City may apply the ESL district to lands that contain one (1) or more of the following environmental conditions:

- A. Land slopes of fifteen (15) percent or greater.
- B. Unstable slopes, which exhibit one or more of the following conditions:
 - 1. Boulder collapse
 - 2. Boulder rolling

3. Rockfalls
4. Slope collapse
5. Talus slopes
- C. Special features, as described in the definitions (Section 3.100) and the Protected Peaks and Ridges Map:
 1. Boulder features
 2. Natural landmarks, including archaeological sites
 3. Protected peaks
 4. Protected ridges
- D. Watercourses:
 1. Major watercourses

Major Washes / Flood Plains



2. Minor watercourses
 - E. Exposed/shallow bedrock
 - F. Undisturbed native vegetation
 - G. Wildlife habitat
 - H. Landform classes as indicated on the ESLO Landforms and Protected Peaks and Ridges Maps:
 1. Lower desert landform
 2. Upper desert landform
 3. Hillside landform
- (Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1050. Intensity of Development.

In applying the provisions of this section, applicants shall use the ESL Landforms and Protected Peaks and Ridges Maps, unless otherwise exempted by section 6.1022B or 6.1023.

The intensity of development in the lower desert and upper desert landforms shall be determined

by the underlying zoning district, and shall not exceed the maximum as provided in Table B, Section 6.1081. Where the NAOS density incentive or cluster option is used, Table B shall serve as the "base" intensity on the parcel.

The intensity of development in the hillside landform shall be determined as follows:

A. The base and maximum intensities of development in the hillside landform on slopes less than twenty-five (25) percent, on exposed/shallow bedrock, or in major or minor watercourses, shall be as follows:

	Single-Family Detached D.U./Acre	Attached Multifamily D.U./Acre	Resort Hotel/Casita Units/Acre	Nonresidential Floor Area Ratio
Base	0.2	1.0	2.0	0.05
Maximum	1.0	3.0	8.0	0.20

1. The underlying zoning must permit the base intensities and uses.
 2. Intensities above the base level up to the maximum intensity may be approved by the City Council after notice and hearing as provided in section 1.600 and 1.700, and upon a finding that the proposed intensity meets the guidelines set forth in section 6.1031.
 3. Resort hotel/casita units are limited to resort hotel guest rooms or casitas that do not have individual driveway access to each unit. Parking areas for more than five (5) cars, restaurants, meeting rooms, and other ancillary uses must be located on land that is not a severely constrained area.
- B. Except when modified as provided in subparagraph (E) of this section, the maximum permitted intensity on land in the hillside landform with slopes from twenty-five (25) to thirty-five (35) percent or boulder features, shall be one (1) dwelling or resort unit per twenty (20) acres (1/20 or .05 D.U./AC.). Ancillary resort uses, such as restaurants, are not permitted.
1. Intensities up to a maximum intensity of one (1) dwelling or resort unit per five (5) acres (1/5 or .2 D.U./AC.) may be approved by the City Council, after notice and hearing as provided in section 1.600 and 1.700, and upon demonstration by the applicant and finding by the City Council that the land proposed for the increased intensity is not visible from viewpoints, as defined in section 3.100 and that the proposed intensity is compatible with the considerations listed in section 6.1031. In making its determination, the City Council shall consider the following factors:
 - a. Visibility and viewpoints of the proposed developments from scenic corridors, collector and arterial streets.
 - b. The impact of the development on the environmental conditions listed in section 6.1021.
- C. Except when modified as provided in subparagraph (E) of this section, the maximum permitted intensity on land in the hillside landform with slopes over thirty-five (35) percent or on unstable slopes shall be one (1) dwelling or resort unit per forty (40) acres (1/40 or .025 D.U./AC.). Ancillary resort uses, such as restaurants, are not permitted.
- D. General guidelines.

1. If a lot encompasses two (2) slope categories the intensity limit is determined by reference to the slope category of the land on which the majority of the construction envelope is located. The purpose of this provision is to provide flexibility in lot configuration.
- E. The City Council may grant a special exception from the maximum intensities allowed by subparagraphs (B) and (C) of this section for parcels which meet the following requirements:
 1. *Qualifications.* Only parcels, which meet the following qualifications, are eligible for development as a special exception under the provisions of this subparagraph (E):
 - a. The parcel consists of at least nine (9) acres, at least eighty (80) percent of which are severely constrained areas.
 - b. On February 19, 1991, the parcel was a legally constituted lot on which development would have been permitted under the terms of the ordinance in effect at the time the lot was created or was annexed to the city.
 - c. No density transfer is proposed.
 - d. The area which will be disturbed by the proposed development is less than twenty (20) percent of the development site area.
 - e. More than eighty (80) percent of the development site area will be preserved as natural area open space (NAOS).
 2. *Findings.* Higher intensities may be granted pursuant to the special exception permitted by this subparagraph only where the Council finds that:
 - a. The maximum intensities otherwise permitted by this ordinance would create a substantial disincentive to develop the site with a desirable and appropriate use and/or intensity, and the requested change is the minimum required in order to remove excessive constraints on the development of the site.
 - b. The requested intensity will not create increased health or safety hazards to people or property resulting from unstable slopes or other environmental hazards.
 - c. Units will be placed at lower elevations or at other locations on the property selected to reduce the grading which will be required to access the structures.
 - d. Visibility of development from viewpoints as defined in Section 3.100 is limited.
 3. *Procedure.*
 - a. Before the City Council hears an application for special exception, the Development Review Board shall review the plans to ensure that any development proposed for unstable slopes, special features or other environmental conditions, is appropriate to these conditions, and

preserves them to the maximum extent possible.

- b. Applications for exceptions under this section shall include the submittals set forth in section 6.1090 of this Ordinance, and shall be subject to notice and hearing as provided in sections 1.600 and 1.700.

F. The permitted development intensity in the hillside landform shall be calculated as follows:

1. Determine the location of each environmental condition referenced in section 6.1050A., B., and C. If more than one (1) condition is present on the same land area that which imposes the greatest restriction shall determine the intensity for development on that land area.

Development Intensity in the Hillside Landform

Slope Category	Landform Condition	Base Lot Area Per Dwelling Unit	Potential Density
Under 25%	Major/Minor washes Protected peaks/ridges	5 Acres	*Subject to Council Approval
25-35%	Exposed bedrock shallow bedrock	20 Acres	*Subject to Council Approval
Over 35%	Boulders, unstable slopes	40 Acres	*Subject to Council Approval

2. Determine the amount of land in acres impacted by each environmental condition.
3. Multiply the total acreage impacted by each environmental condition by the intensity permitted by section 6.1050A. through C. for that condition.
4. On parcels of twenty (20) or more gross acres, the permitted intensity for small areas of twenty thousand (20,000) square feet or less which have environmental conditions different than those of the surrounding area, shall be determined by the intensity permitted on the surrounding area. If a small area abuts both a lower and a higher intensity area, the small area shall be divided equally between the two (2) intensities.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1060. Open Space Requirements.

A. *NAOS requirements.*

1. In order to preserve sensitive environmental conditions, retain and protect meaningful desert open space, maintain visual amenities, and mitigate hazards **AND PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC**, a percentage of the acreage containing specified conditions shall be set aside as natural area open space (NAOS). The minimum percentage of NAOS based on slope and landform category is provided in Table A.

Using Table A, NAOS requirements are determined by slope and landform which corresponds to the location of other environmental conditions such as unstable slopes, undisturbed desert vegetation, boulder features, and watercourses. Where these provisions conflict with the minimum NAOS dimensions described in Section 6.1060F., the more restrictive provisions of Section 6.1060F. shall take precedence.

2. Land designated as NAOS shall be permanently maintained as open space. The applicant

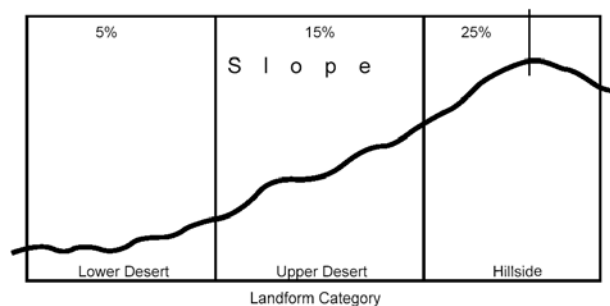
shall demonstrate to the satisfaction of the City Attorney that the entire NAOS area will be permanently maintained as natural area open space through easements, donation or dedication to the city and/or conservancy, land trust or similar entity. A similar entity is an organization that has goals and purposes consistent with permanently maintaining NAOS and can demonstrate its ability to maintain the NAOS to the satisfaction of the City Attorney.

TABLE A

	Lower Desert Landform	Upper Desert Landform	Hillside Landform
0--2%	20%	25%	50%
Over 2% up to 5%	25%	25%	50%
Over 5% up to 10%	30%	35%	50%
Over 10% up to 15%	30%	45%	50%
Over 15% up to 25%	30%	45%	65%
Over 25%	30%	45%	80%
Minimum NAOS after reductions if applicable. (See Sec. 6.1060B)	15% (See Sec. 6.1060F. for minimum dimensions)	20% (See Sec. 6.1060F. for minimum dimensions)	40% (See Sec. 6.1060F. for minimum dimensions)

3. If NAOS is located in a common tract owned by a homeowners association, the property shall be maintained through a common maintenance agreement.
4. If NAOS is located on individual lots (on-lot NAOS), the individual property owner shall be responsible for maintenance. (See Section 6.1100 for detailed information regarding maintenance of NAOS.)
5. Common-tract NAOS locations and boundaries, including precise acreage, shall be shown on the subdivision plat and/or map of dedication.
6. On-lot NAOS Locations: In applications where NAOS is provided on individual lots, approximate boundaries and precise acreage of the proposed NAOS shall be shown on and conform to an exhibit approved by the city manager or designee prior to or concurrent with filing a final subdivision plat and/or map of dedication.

Slope Analysis

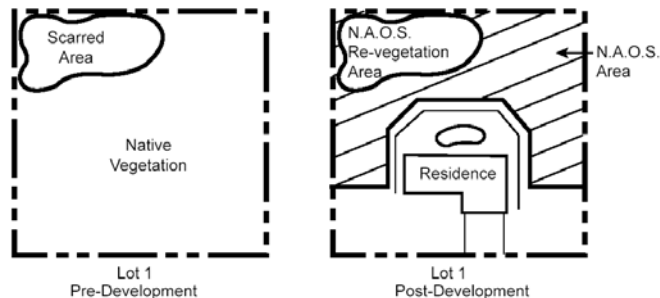


B. *NAOS reduction.* NAOS requirements may be reduced as provided herein. The minimum NAOS after reductions, for the gross lot area of the development project and for each development site or

parcel shall be fifteen (15) percent in lower desert, twenty (20) percent in upper desert, and forty (40) percent in hillside landforms.

1. *Proportional reduction in NAOS for Conservation Open Space COS and Hillside Conservation (HC) areas.* An owner is entitled to reduce the required NAOS by calculating the percentage of the total parcel that is zoned conservation open space (COS) and Hillside Conservation (HC) areas, and reducing the NAOS requirement for the remainder of the property by this same percentage.
2. *Reduction for regional drainage facility.* Where a development site contains areas dedicated for regional stormwater management pursuant to approved city regional drainage and flood control plans developed by the city, having a design flow of two thousand (2,000) cfs or more and providing drainage for one (1) square mile (one (1) section) or more, the NAOS requirement shall be reduced as follows:
 - a. The NAOS requirement shall be reduced one (1) square foot for each revegetated one (1) square foot of the regional drainage facility (1:1).
 - b. The NAOS requirement shall be reduced one (1) square foot for each two (2) square feet of turf or similar improvements for recreational areas within the regional drainage facility (1:2). The reduction for improved areas shall not exceed fifty (50) percent of the original NAOS requirement.

N.A.O.S. Re-vegetation Credit



3. *Reduction for revegetation.* On land stripped of natural vegetation or scarred prior to January 1, 1990, the NAOS requirement for the parcel shall be reduced by two (2) square feet for every one (1) square foot of revegetated NAOS (2:1). This provision cannot be used to increase the maximum revegetated NAOS above the 30% maximum referenced in Section 6.1060D.2.
4. *Reduction for designated historical or archaeological site.* Land designated as a permanently protected historical or archaeological site, approved by the city, shall be used to reduce the required NAOS by two (2) square feet for each one (1) square foot of approved site (2:1).
5. *Lower desert landform with minimal slopes and limited environmental conditions.* Sites within the lower desert landform having slopes of 0%--5%, may reduce the required amount of NAOS to 15% if the applicant can demonstrate to the satisfaction of the Zoning Administrator that the property contains no boulder features, no minor or major watercourses and contains undisturbed native plant densities* with less than ten (10) trees/cacti per acre. Where these provisions conflict with the minimum NAOS dimensions described in Section 6.1060F., the more restrictive provisions of Section 6.1060F. shall take precedence.

*Native plants include the specific species defined in article V, protection of native

plants, section 46-105 through 46-120 of the City Code.

- C. *Density Incentive for Increases in NAOS.*
1. A density incentive bonus not to exceed twenty (20) percent of the density otherwise allowed under Table B, Section 6.1018, Base Intensity by Zoning Category may be granted to applicants who provide more meaningful NAOS than is required in section 6.1060A. of this Ordinance. The bonus must be approved by the City Council after notice and hearing as provided in sections 1.600 and 1.700, and providing further that the following criteria are met:
 - a. The bonus applies only in the R1-43, R1-70, R1-130, and R1-190 residential zoning districts.
 - b. The incentive must be calculated using the base NAOS standards for the development project, and cannot be used in combination with any reductions in NAOS.
 - c. The additional NAOS must be undeveloped natural area and cannot include revegetated areas.
 - d. The additional NAOS must respond to site conditions and the surrounding context to maximize connections with existing or planned open space on adjoining properties including the McDowell Sonoran Preserve.
 2. The increase in density is calculated by multiplying the percent of gross land area of the parcel to be provided as additional NAOS, times the base density as established in Table B.
- D. *Types of NAOS.* The NAOS requirement may be satisfied by two (2) types of open space: undeveloped natural areas and revegetated areas.
1. *Undeveloped natural areas.* Undeveloped natural areas shall constitute a minimum of seventy (70) percent of the required NAOS. This minimum applies to both "on-lot" and "common tract" NAOS.
 - a. Infill. When native plants in a designated undeveloped natural area are significantly less dense than under natural conditions because of man-made or natural disturbance to the land, the developer may increase the density and number of species of native plants to approximate the natural conditions of the vegetation community.
 - b. Infill areas shall count as undeveloped natural area for NAOS if approved by the city manager or designee.
 2. *Revegetation.* Revegetation areas shall qualify as NAOS, but in no case shall constitute more than thirty (30) percent of the required NAOS. These provisions cannot be used in conjunction with those contained in Section 6.1060B.3. to increase the maximum percentage of revegetated NAOS above thirty (30) percent. Revegetated areas shall meet following requirements:
 - a. Planting programs for revegetated areas may include transplanted and seeded methods of application and shall include a list of proposed plant species and quantities. (See Section 6.1091A.1.k.)
 - b. Planting programs shall be consistent with the slope aspect of the surrounding natural vegetation, and shall be consistent with the species and density of

surrounding vegetation and adjacent natural desert.

- c. All materials, design and construction techniques for revegetation shall be approved by the city manager or designee. Decisions of the city manager or designee may be appealed to the Development Review Board as provided in section 6.1110.
- d. Incorporate boulders and salvaged surface material to match and blend with surrounding desert character.
- e. Provide a temporary watering program.
- f. In those cases where previously scarred or cleared areas are to be restored, the plant species and density shall be determined by matching the existing natural vegetation on similar terrain in the vicinity.
- g. **THE DESIGN AND INSTALLATION OF REVEGETATION SHALL HELP TO MINIMIZE THE DOWNSTREAM TRANSPORT OF SEDIMENTATION.**

E. *Improved open space.* When the open space requirement of the underlying zoning district exceeds the NAOS requirements imposed by the ESL standards the balance of the required open space may be either improved open space or NAOS.

F. *Distribution of NAOS.*

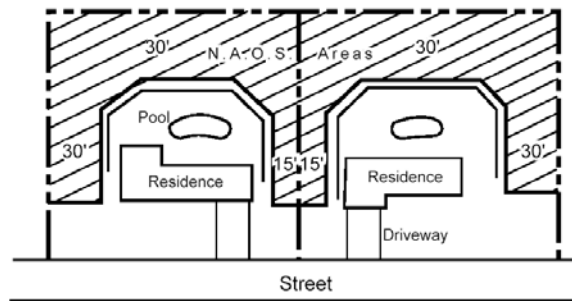
1. *NAOS dimensions.*

- a. The minimum contiguous area for NAOS is four thousand (4,000) square feet.
- b. The minimum horizontal dimension for NAOS areas is thirty (30) feet, except that the minimum horizontal dimension for NAOS located along roadsides will be twenty (20) feet.
- c. Where the minimum finished lot size is twenty-two thousand (22,000) square feet or less, NAOS shall be placed in common tracts, or on other lots within the same subdivision unless the city manager or designee approves placement in contiguous areas on adjacent lots. See Section 6.1070A. for on-lot NAOS design standards and Section 6.1090 for on-lot NAOS submittal requirements.

2. *Modification of NAOS dimensions.* The city manager or designee may approve modifications to the minimum NAOS dimensions set forth above, subject to the following criteria:

- a. The NAOS location standards set forth in paragraph 3. are met.
- b. Reductions in dimensions will maintain NAOS areas that are easily recognizable and that will not result in maintenance problems due to their proposed locations.
- c. Adjacent land uses, such as streets, will not negatively impact the viability of vegetation or other features of the land to be preserved.

Minimum N.A.O.S. Dimensions



3. *NAOS SELECTION AND location.* The location of NAOS on a site plan or preliminary plat shall be based on the following **IN ORDER OF PRIORITY:**
 - a. **PRESERVATION OF NATURAL WATERCOURSES AND THE NEED FOR UNIMPEDED WILDLIFE ACCESS AND MOVEMENT WITHIN AND BETWEEN ALL COMMON TRACT NAOS AREAS, INCLUDING MINOR AND MAJOR WATERCOURSES, VISTA CORRIDORS AND SCENIC CORRIDORS AND PARTICULARLY AT THE MCDOWELL SONOREAN PRESERVE BOUNDARY WITH EMPHASIS ON RIPARIAN HABITATS ASSOCIATED WITH MAJOR AND MINOR WATER COURSES.**
 - b. Continuity of open space within the development project and with adjacent developments or with the McDowell Sonoran Preserve.
 - c.b. Continuity of "on-lot" open spaces on adjoining lots.
 - d.e. Preservation of the most significant features and vegetation, including rock outcroppings, ~~natural watercourses~~, and significant concentrations of native vegetation in relation to the surrounding development project.
 - e.d. Distribution throughout the developed area and avoidance of concentration in one (1) location.
 - f.e. Location in areas where a buffer is desirable along the property boundary, or where it is contiguous with NAOS on adjacent property, including property within the McDowell Sonoran Preserve.
 - g.f. Location in areas visible from streets or common areas.
 - h.g. ~~The need for unimpeded wildlife access and movement within and between all common tract NAOS areas, including minor and major watercourses, vista corridors and scenic corridors and particularly at the McDowell Sonoran Preserve boundary.~~
4. *NAOS distribution within master planned developments.* Where a master plan developer elects to provide NAOS in excess of the minimum NAOS requirement for specific development sites, such excess NAOS may be credited against NAOS requirements for other development sites on the master plan, provided that the NAOS credits are documented on an open space master plan which identifies excess NAOS by development site and allocates such excess to specific development sites elsewhere on the property. The master plan developer must authorize the allocation in writing.

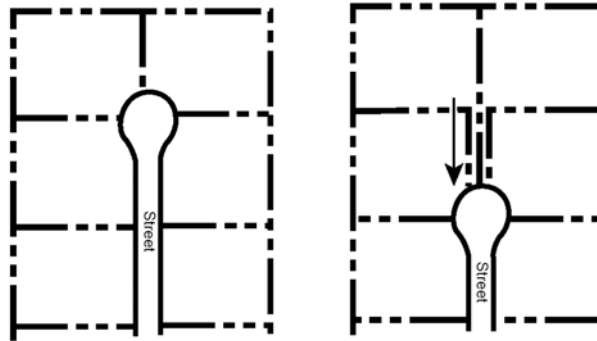
(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1070. Design standards.

A. General Standards.

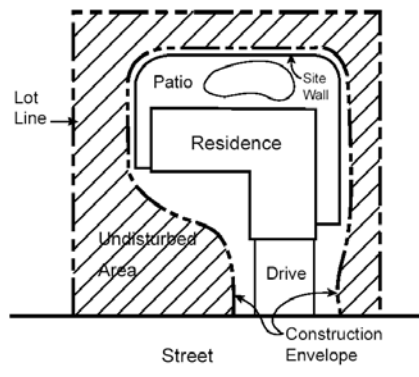
1. Development projects shall employ design techniques which reduce the disruption of the severely constrained areas (SCA) of a parcel defined in section 6.1081A.1., reduce the amount of streets and pavement, maximize open space, reduce the length of water and sewer systems, and minimize the restructuring of natural drainage systems.

Reduce the Amount of Streets

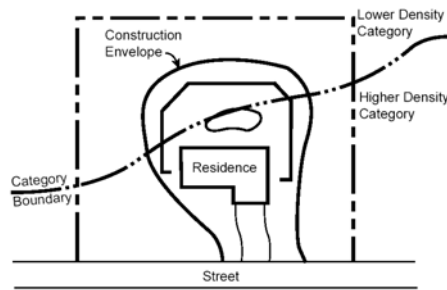


2. The intensity calculated in sections 6.1050 and 6.1080 shall be the maximum permitted intensity. A structure or residential building construction envelope that is located in more than one (1) density category in section 6.1050B. and C. shall be considered as located in the higher density area if the majority of the floor area or construction envelope area (over fifty (50) percent) is in the less restricted condition and the incursion into a lower intensity area extends less than twenty (20) feet for structures or thirty-five (35) feet for construction envelopes.

Construction Envelope



Construction Envelopes in 2 Categories



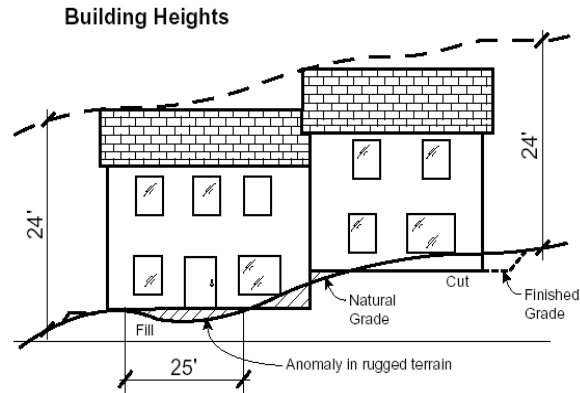
3. Construction envelopes are required when NAOS is proposed on individual lots. All impervious surfaces and improved open space shall be contained within construction envelopes. (See construction envelope definition in Section 3.100).
4. Underground utility corridors and drainage improvements outside of the construction envelopes shall be included in the revegetated open space.
5. The NAOS shall be clearly identified and protected during building by methods and techniques approved by the city manager or designee.
6. On-lot NAOS shall be designed with consideration of the surrounding context to connect with existing or planned open space on adjacent properties so that continuous areas of meaningful open space are formed.
7. On-lot NAOS shall not be located within the required front yard where the front yard depth is less than forty (40) feet.

B. *Building heights.*

1. The maximum building height is that prescribed by the underlying district except as modified by the following:
 - a. The maximum building height in the ESL district shall be established by a plane measured vertically above the existing natural terrain elevation prior to grading; as the natural grade rises, the maximum height will rise accordingly. Small areas of rugged terrain inconsistent with this plane will not increase or reduce building height. Small areas are those features with a maximum width of twenty-five (25) feet.
 - b. The maximum building height for all buildings in single-family residential (R1) districts including the Foothills Overlay, shall be twenty-four (24) feet. The ~~Development Review Board~~ **PLANNING COMMISSION AND CITY COUNCIL**, shall have the authority to review and consider a request to exceed this height **FOR NON-RESIDENTIAL BUILDINGS BY NO MORE THAN SIX (6) FEET, AND FOR NO MORE THAN 20% OF THE BUILDING PAD AREA, PROVIDED THAT THE ADDITIONAL HEIGHT CAN BE SHOWN TO BE NECESSARY BECAUSE OF LIMITATIONS IMPOSED BY THE NATURE OF THE LOT AND A HARDSHIP HAS BEEN CREATED SPECIFIC NATURE OF THE USE, AND THAT THE PROPOSED HEIGHT IS COMPATIBLE WITH THE CHARACTER OF THE AREA AND ADJACENT NEIGHBORHOOD. COMPATIBILITY WITH THE AREA'S CHARACTER, AND ANY ZONING**

OVERLAY DESIGNED TO PROTECT THAT CHARACTER, SHALL BE THE PRIME CONSIDERATION IN ALLOWING ANY EXTENSION TO HEIGHT. ANY REQUEST TO INCREASE THE HEIGHT BEYOND SIX (6) FEET, OR THE BUILDING PAD AREA BEYOND 20%, MUST RECEIVE CITY COUNCIL APPROVAL THROUGH A PUBLIC HEARING PROCESS.

and to approve non residential buildings that exceed twenty four (24) feet but not exceeding the maximum allowed under the underlying zoning district in Article V, District Regulations, upon finding that the increased height is appropriate and compatible with the character of the neighborhood.

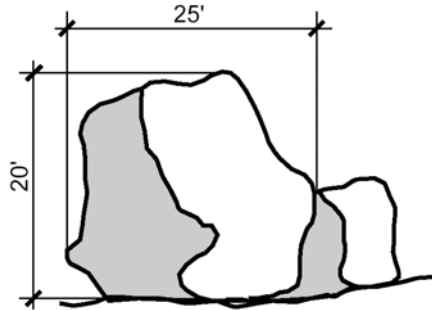


- c. The maximum building height in the hillside landform shall be the height prescribed by the underlying district or thirty (30) feet whichever is lower, except as modified by section 6.1070B.1.d. below.
- d. The Development Review Board may permit additional building heights in the hillside landform up to a maximum height of forty (40) feet where the applicant demonstrates that the additional height will reduce the visual impact of the structure or site work from established viewpoints, and will reduce the area required for grading, or other land disturbance activities, on sensitive conditions.

C. *Hillside Landform Site Design Criteria:* Hillside lands are prone to natural hazards. In order to protect lives and property from disasters resulting from poorly designed hillside development and to mitigate the potential for increased erosion, boulder rolling, rockfalls, and landsliding, the Development Review Board (DRB) shall review individual site plans located within the hillside landform that are not part of a subdivision plat against the following criteria:

- 1. All construction shall be set back a minimum of twenty (20) feet from boulder features as defined in section 3.100. The DRB may approve exceptions to these criteria where specific design solutions protect public safety.

Boulder Feature

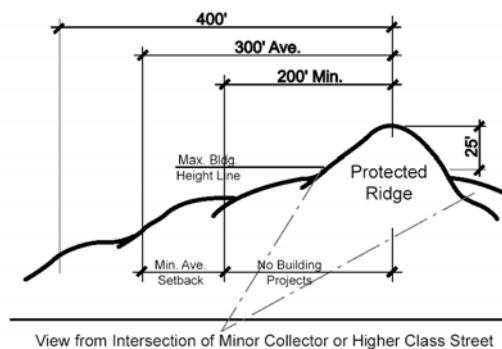


2. Unprotected slopes shall be protected from focused stormwater flows.
3. All storm runoff shall be directed towards natural channels using best practices for erosion control.
4. Minimize removal of native vegetation from areas outside of construction envelopes.
5. Minimize incidental impact from other natural hazards including erosion, subsidence, boulder rolling, rockfalls, flooding, flood related mud slides, unstable slopes and landsliding relating to the site and surrounding property.

D. *Protected Peaks and Ridges.*

1. All building projects shall be set back an average of three hundred (300) feet horizontally and a minimum of two hundred (200) feet from a protected peak or a protected ridge.

Viewpoints - Protected Ridges



2. The maximum elevation of any structure within four hundred (400) feet horizontally of a protected peak or ridge shall be at least twenty-five (25) feet below the elevation of the nearest point of a protected peak or ridge.
3. Protected peaks and ridges shall be identified on ESLO Protected Peaks and Ridges Maps prepared by the city, and may be revised as follows:
 - Request for map refinement shall include a visual analysis from viewpoints as defined in Section 3.100, and be subject to Subsection E, below.

4. Protected peaks and ridges on a property shall be shown on final plats at the time of City Council approval.
- E. *Revisions of ESL Landform and Protected Peaks and Ridges Maps.* Landforms are identified on the ESL Landforms and Protected Peaks and Ridges Maps by the city. The maps may be revised as follows:
1. Applicants for a specific development project may request a change in all or part of the landform boundaries on the ESL Landforms and Protected Peaks and Ridges Maps prior to or concurrently with a development project application. The applicant shall submit technical data to the city manager or designee to support the request. If the city manager or designee determines that the request represents more than a minor refinement, the requested landform boundary change shall be prepared by an Arizona state registered geologist and shall include a technical analysis to support the requested map revision. The definitions of the three landform areas shall be used by consulting geologists for their analysis of changes in the landform boundaries.
 2. Minor refinements to the ESL Landforms and Protected Peaks and Ridges maps shall be subject to the approval of the city manager or designee.
 3. Major revisions of the ESL Landforms and Protected Peaks and Ridges maps shall be subject to development review board approval. Development review board approval shall occur prior to the planning commission and city council public hearings if the request is made concurrently with a submittal for a rezoning or use permit approval.
 4. A property owner may request a revision of the ESL Landforms and Protected Peaks and Ridges maps on their property independently from a submittal for a specific project. Such submittals shall follow all processes and requirements in section 6.1070E1. and shall be subject to approval of the development review board.
- F. *Boulder Features.* Development shall not be permitted on or immediately adjacent to boulder features within the ESL area as defined in Section 3.100 and a setback of twenty (20) feet shall be maintained around the boulder feature unless otherwise approved by the development review board. The development review board may permit development on boulder features which meet this definition where the applicant demonstrates that the proposed construction will meet the following criteria:
1. When a proposed structure will be occupied, the applicant shall submit a technical analysis prepared by an Arizona State registered geologist demonstrating that the boulder feature is stable and does not present a threat to the proposed structure.
 2. The applicant has demonstrated that the proposed construction will blend into the boulder feature so that the boulder feature is still substantially visible from public or private streets, and the structure does not detract significantly from the character of this special feature.
- G. *Site and Structure Development Design Standards.*
1. Within the ESL district:
 - a. Mirrored surfaces or any treatments which change ordinary glass into a mirrored surface are prohibited.
 - b. Reflective building and roofing materials (other than windows) including materials with high gloss finishes and bright, untarnished copper, aluminum, galvanized steel or other metallic surfaces, shall be textured or have a matte or non-reflective surface treatment to reduce the reflection of sunlight onto other

property.

- c. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast.
- d. Surface materials of walls, retaining walls or fences shall be similar to and compatible with those of the adjacent main buildings.
- e. Development design and construction techniques should blend scale, form and visual character into the natural landform and minimize exposed scars.
- f. Exterior lighting should be low scale and directed downward, recessed or shielded so that the light source is not visible from residential development in the area or from a public viewpoint.
- g. No paint colors shall be used within any landform that have a LRV greater than thirty-five (35) percent.
- h. Exterior paint and material colors shall not exceed a value of six (6) and a chroma of six (6) as indicated in the *Munsell Book of Color* on file in the Planning Systems department.
- i. Plant materials that are not indigenous to the ESL area shall be limited to enclosed yard areas and non-indigenous plants that have the potential of exceeding twenty (20) feet in height are prohibited. A list of indigenous plants is available from the Planning and Development Services Department. Outdoor community recreation facilities, including parks and golf courses shall be allowed turf as specified in section 6.1070G1.j.
- j. Turf shall be limited to enclosed areas not visible offsite from lower elevation. Outdoor recreation facilities, including parks and golf courses, shall be exempt from this standard.
- k. All equipment appurtenant to underground facilities, such as surface mounted utility transformers, pull boxes, pedestal cabinets, service terminals or other similar on-the-ground facilities, shall have an exterior treatment that has a LRV of less than thirty-five (35) percent or otherwise screened from view from adjoining properties.
- l. Any proposed modifications to natural watercourses and all walls and fences crossing natural watercourses shall be designed in accordance with the standards and policies specified in chapter 37 (~~drainage and floodplain~~ **AND STORMWATER REGULATION** ordinance) of the City of Scottsdale Revised Code. **AND THE CITY'S DESIGN STANDARDS AND POLICIES MANUAL. ANY MODIFICATIONS TO WATER COURSES OF 50 CFS OR GREATER CAPACITY SHALL INCLUDE RESTORATION OF THE WATERCOURSE INCLUDING THE NATURAL RIPARIAN VEGETATION OF THE SAME KIND AND DENSITY AS WAS REMOVED FOR THE MODIFICATIONS. ANY WALLS ALLOWED SHALL NOT ENCLOSE OR DISCONNECT CONTIGUOUS NAOS OR BE PERMITTED TO CROSS WASHES OF 50 CFS OR GREATER. ANY FENCES ALLOWED SHALL NOT BLOCK WILDLIFE MOVEMENT IN AND THROUGH NAOS AND/OR NATURAL WATER COURSES. IF A WASH IS DIVERTED, IT MUST BE CAPABLE OF CARRYING THE SAME VOLUME OF WATER IN A 100-YEAR EVENT, AND MUST BE RETURNED TO THE NATURAL STATE WITH NATIVE VEGETATION EQUIVALENT IN SPECIES AND DENSITY TO THE CONDITION OF THE NATURAL WASH, AND MUST**

ENTER AND EXIT THE PROPERTY AT THE SAME PLACE.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1071. Design guidelines.

A. *General guidelines.*

1. Clustering, density transfer, NAOS or CA should be used to protect the most sensitive areas on a plat.
2. NAOS should not be enclosed by walls that disrupt its continuity with NAOS on adjacent properties. **AND WALLS ARE PROHIBITED FROM DISRUPTION OF THE CONTINUITY OF NAOS CORRIDORS AND WILDLIFE CORRIDORS OR HABITATS LOCATED ALONG MAJOR AND MINOR WATERCOURSES.**
3. Sensitive site planning that responds to the environmental conditions will frequently lead to smaller average lot sizes, a reduction in disturbed land area, or fewer lots. The applicant has the burden of demonstrating that the proposed intensity can be developed on the site in a sensitive manner that is consistent with this ordinance, The *Development Design Guidelines for Environmentally Sensitive Lands*, and other approved city policies and guidelines.

4. DISTURBANCE TO SITES DURING CONSTRUCTION SHOULD BE MINIMIZED AND LIMITED TO THE PORTIONS OF THE SITE ON WHICH IMPROVEMENT IS SHOWN ON THE APPROVED SITE PLAN.

5. PERIMETER WALLS* SHALL BE SET BACK FROM THE PERIMETER PROPERTY LINE A MINIMUM OF:

- a. FIFTEEN (15) FEET WHERE THE SUBDIVISION OR MASTER PLANNED PROJECT IS ADJACENT TO VACANT PROPERTY;**
- b. FIFTEEN (15) FEET OR A DISTANCE EQUAL TO THE REQUIRED SIDE YARD SETBACK, WHICHEVER IS GREATER, WHERE THE SUBDIVISION OR MASTER PLANNED PROJECT IS ADJACENT TO AN EXISTING RESIDENCE, SUBDIVISION OR THE MCDOWELL MOUNTAIN SONORAN PRESERVE OR;**
- c. ZERO (0) FEET WHERE THE SUBDIVISION IS ADJACENT TO NATURAL AREA OPEN SPACE (NAOS) OR CONSERVATION AREA (CA) WITHIN A MASTER PLANNED DEVELOPMENT**

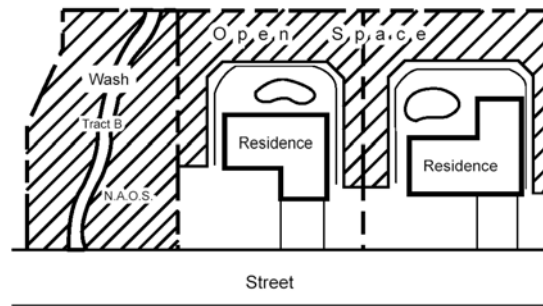
***NOTE, FOR THE PURPOSES OF THIS SECTION PERIMETER WALL SHALL MEAN A WALL THAT ENCOMPASSES OR SURROUNDS THE OUTSIDE EDGE OF LOTS WITHIN A SUBDIVISION OR MASTER PLANNED DEVELOPMENT.**

6. WALLS SHALL NOT BLOCK WASHES OF 50 CFS OR GREATER CAPACITY OR NAOS AREAS UNLESS APPROVED BY THE PLANNING COMMISSION AND CITY COUNCIL.

B. *Guidelines for the McDowell Sonoran Preserve Boundary.*

1. NAOS outside the McDowell Sonoran Preserve boundary should be oriented to maintain habitat and unimpeded wildlife movement to and from the preserve.
2. Promote continuity of open spaces at the preserve boundary.

Meaningful Open Space



3. Maximize the provision of NAOS at the preserve boundary to create a natural buffer to the preserve.
 4. Any trail development through NAOS areas adjacent to the preserve must be coordinated with the Preserve Trail Plan.
- (Ord. No. 3395, § 1, 12-11-01)

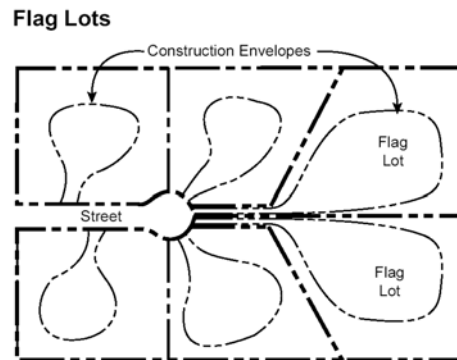
Sec. 6.1080. SENSITIVE DESIGN OPTIONS

Sec. 6.1083. Amended development standards.

Amended development standards may be approved, in accordance with section 6.1083A. or B. below, in order to encourage sensitivity to site conditions and to provide flexibility in site planning.

- A. *Development Review Board Public Hearing process.* The development review board may approve amended development standards for the underlying zoning district concurrently with the preliminary plat approval subject to the following:
 1. Application and public hearing procedures of section 1.900.
 2. The existing zoning district and proposed use is for single-family dwellings.
 3. The base density in Table B has not been exceeded.
 4. The minimum area of the development is ten (10) gross acres.
 5. The minimum lot sizes may be reduced by no more than twenty-five (25) percent of the minimum lot size required in the underlying district.
 6. Minimum setbacks and minimum distance between buildings of the applicable zoning district requirements may be reduced by no more than twenty-five (25) percent. In no case shall the setback of a garage or carport that opens towards the street be less than twenty (20) feet from the back of curb, or when present, the back of sidewalk. The minimum side yard or rear yard, where the side or rear yard is adjacent to designated open space tracts may be reduced to five (5) feet. Setbacks on the perimeter of the development project shall be equal to or greater than those imposed by the existing zoning on parcels within fifty (50) feet of the perimeter of the development project.
 7. Minimum lot width may be reduced by no more than twenty-five (25) percent of the minimum lot width required in the underlying district. However, if the applicant can demonstrate that a flag lot design better achieves the purposes of

the ESL Overlay District, flag lots with a minimum width of twenty (20) feet may be approved.



8. If the underlying zoning is R1-18, R1-10 R1-7 or R1-5, one (1) of the side yard setbacks may be zero (0), provided that the dwellings are constructed as single-family detached homes. The minimum distance between buildings is five (5) feet.
9. The development must be served by public or private water and sanitary sewer facilities if the minimum lot sizes are less than sixty thousand (60,000) square feet.
10. The amended development standards are approved concurrently with the preliminary plat.
11. The required common open space is to be permanently maintained as natural open space as demonstrated in documents satisfactory to the City Attorney prior to the issuance of any permits.
12. Demonstrate compliance with the design criteria stated in section 6.205 for planned residential development.
13. Any modified standards for the development shall be recorded on the final plat.
14. The applicant shall demonstrate to the satisfaction of the development review board that the modifications better achieve the purposes of ESL in section 6.1010 than the existing standards.

B. *City Council Public Hearing Process.* The City Council may approve amended development standards for the underlying zoning district which exceed the limitations in section 6.1083A. pursuant to the following:

1. Application and public hearing procedures of section 1.600 and 1.700.
2. In reviewing such applications, the City Council shall compare the requested intensity and use to the environmental conditions and to the General Plan to determine the appropriateness of the amended development standards.
3. The applicant shall demonstrate that the stated modifications better achieve the purposes of ESL regulations in section 7.810 than the existing zoning.

(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1090. ESL SUBMITTAL REQUIREMENTS

Sec. 6.1091. All applications.

A. In addition to any other information required by the Scottsdale Zoning Ordinance (Ordinance No. 455, as amended) and the Scottsdale Revised Code, applications for development approval under ESL shall include the following:

1. Base submittal requirements for all projects:
 - a. Location and size of project boundaries, including any phasing plans.
 - b. Project description.
 - c. A.L.T.A. survey.
 - d. Site development plan showing all existing and proposed construction, including density calculations.
 - e. Aerial map.
 - f. Site plan superimposed on the aerial map.
 - g. Topography map (two (2) foot contours intervals).
 - h. Slope analysis superimposed on the topography map with NAOS calculation table.
 - i. NAOS analysis site plan, including proposed civil improvements and proposed construction envelope concept plan.
 - j. Environmental features map, including applicable landforms, protected peaks and ridges, unstable slopes, boulder features **AND BOULDERS THAT EXCEED SIX (6) FEET IN WIDTH AND SIX (6) FEET IN HEIGHT**, watercourses, vegetation and wildlife habitats, viewsheds, and manmade or fire scarring.
 - k. Native plant submittal and revegetation plan and program, including transplanting and/or reseeded methods and the list of plants and density of application.
 - l. Geotechnical report for sites with shallow bedrock and/or boulders.
 - m. Drainage and grading report and plan.
 - n. Archaeology data, reports, and/or plans as required by Chapter 46 of the City Code.
 - o. THE DELINEATION OF ALL NATURAL DRAINAGE CORRIDORS WITH A CAPACITY TO HANDLE FLOWS OF 50 C.F.S. OR GREATER. ANY IMPROVEMENTS, SUCH AS DRIVEWAYS, WALLS AND FENCES, BUILDINGS, ETC., THAT ENCROACH INTO THESE CORRIDORS SHALL BE CLEARLY IDENTIFIED ON THE SUBMITTED PLANS. THE APPLICATION SHALL INCLUDE A JUSTIFICATION FOR SUCH ENCROACHMENT AND SHALL IDENTIFY MITIGATION MEASURES THAT MINIMIZE THE IMPACTS OF THE PROPOSED ENCROACHMENT ON DRAINAGE CONDITIONS FOR ADJACENT PROPERTIES AND ON THE INTEGRITY OF THE CORRIDOR AS MEANINGFUL OPEN SPACE.**

2. Additional submittal requirements for master planned projects:
 - a. Master environmental design concept plan.
 - b. Phasing plan.
 - c. Circulation plan.
 - d. Water and wastewater plan.
3. Additional submittal requirements for preliminary plat and development review board submittals:
 - a. Master environmental design concept plan.
 - b. Cuts and fills site plan.
 - c. Amended development standard justification report.
 - d. Vista/scenic corridors, including cross section details.
 - e. Public trail plan.
 - f. Landscaping plan.
 - g. Color and material samples.
 - h. Wall plans.
4. Modified submittal requirements. The city manager or designee may require additional information to identify or analyze specific environmental conditions, or may waive submittal requirements determined unnecessary for appropriate review of the project.
(Ord. No. 2305, § 1, 2-19-91; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3395, § 1, 12-11-01)

Sec. 6.1110. Appeals.

The applicant may appeal a decision of the city manager or designee to the development review board. The appeal must be in writing, filed with the Planning and Development Services Department within fifteen (15) days of the date on which written notice of the decision was mailed to the applicant, and must state the reasons for appeal, and the relief requested. The city manager or designee shall place the appeal on the next available development review board agenda and shall notify the applicant in writing of the time and place at which the development review board will consider the appeal. Decisions of the development review board may be appealed to the City Council as provided in section 1.907 of this Ordinance.
(Ord. No. 3395, § 1, 12-11-01)